IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO.373 OF 2006

Vijay Raghunath Swar .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.S.M.Gorwadkar for the applicant.

Shri.Manoranjan Sahu, Spl.A.P.P. for C.B.I.

Shri.P.A.Pol, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 8TH DECEMBER, 2006

P.C.:

. Heard Shri.Gorwadkar for the applicant. Perused the application and the annexures thereto including the application preferred by the applicant/accused No.2 for discharge and the order dated 19th June, 2006 passed by the learned Special Judge.

. From a perusal of these materials, I see no reason to interfere with the prima facie conclusion of the learned Special Judge that they are sufficient to proceed and frame a charge against the applicant/accused No.2. Considering that the applicant was on the panel of the Debt Recovery Tribunal and was bound by the procedure in the Manual, while holding sale, it was grossly improper on his part to disclose the valuation report prior to the Recovery Officer determining the reserve prices. Needless to state that it is not the case before me that the applicant cannot be made an accused in the special case. The sufficiency or adequacy of the prima facie materials is not something which can be gone into once again by this Court and in its limited jurisdiction. The Revision Application is therefore rejected.

. Needless to state further that all the observations made by the learned Special Judge as also by this Court are tentative and prima facie and shall not influence the Court while trying the case.

(S.C.Dharmadhikari, J.)